

RETURN DATE: NOVEMBER 24, 2020

SUPERIOR COURT

2149 REALTY ASSOCIATES, LLC

J.D. OF HARTFORD

v.

AT HARTFORD

EVERSOURCE ENERGY SERVICE COMPANY
a/k/a THE CONNECTICUT LIGHT AND POWER
COMPANY

NOVEMBER 3, 2020

COMPLAINT

COUNT ONE: (Damages for Cutting Trees-C.G.S. §52-560)

1. The Plaintiff, is a Connecticut limited liability company, with an office and principal place of business at 2149 Poquonock Avenue, Windsor, CT 06095.

2. The Defendant Eversource Energy Service Company a/k/a The Connecticut Light & Power Company (collectively "Eversource" or "Defendant") is a Connecticut corporation with an office and principal place of business at 56 Prospect Street, Hartford, CT 06102

3. By virtue of a Statutory Form Warranty Deed dated June 1, 2017, Plaintiff is the record owner of the property 155 a/k/a 115 High Street, Windsor, CT. ("Property"), which consists of approximately 3.39 acres of vacant land, which is subject to a fifty foot (50') wide right of way in favor of Defendant, in order to maintain utility wires and poles.

4. In and around April, 2020, Eversource entered onto the Property and without obtaining Plaintiff's permission, cut down, severely trimmed, shaved and/or destroyed numerous trees, timber, bushes and shrubbery that were far outside the 50' wide right of way, exceeding the purpose and scope of the right of way, and what was reasonably necessary to prevent interference with the utility wires and poles. Photographs attached as **Exhibit A**.

5. Eversource's conduct was an unreasonable use of the 50' right of way, which caused undue burden to the Plaintiff.

6. As a result, Defendant's actions were unreasonable and in violation of Conn. Gen. Stat. §52-560, which imposes damages for cutting trees, timber or shrubbery in an amount up to three times the value of the tree, timber or shrubbery.

7. As a result of the actions of the Defendant's actions Plaintiff has suffered damages.

COUNT TWO: (Trespass)

1-5. Paragraphs 1-5 of the First Count are hereby incorporated by reference, as if fully set forth herein, as Paragraphs 1-5 of this, the Second Count.

6. The Defendant trespassed onto Plaintiff's Property by going far beyond the 50' right of way without permission, and causing the destruction of trees, timber, shrubbery and other natural resources that were of value to the Plaintiff and causing it to incur further expenses.

7. As a result of the aforesaid conduct by the Defendant, the Plaintiff has suffered damages and intends to seek punitive damages as a result of Defendant's intentional and/or reckless trespass onto its Property.

WHEREFORE, the Plaintiff claims the following relief:

1. Money damages;
2. Interest;
3. Treble Damages under Conn. Gen. Stat. §52-560;
4. Punitive Damages
5. Attorneys' fees
6. Costs
7. Such other and further relief as the Court may deem equitable.

Dated at Manchester, Connecticut this 3rd day of November, 2020.

PLAINTIFF,

By:



Maria K. Tougas
Jacobs, Walker, Rice & Barry, LLC
146 Main Street
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Tel: (860) 646-0121
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Email: mtougas@jwrb.com
Juris No. 05894

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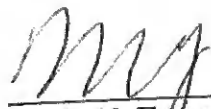
STATEMENT OF AMOUNT IN DEMAND

The amount in demand, exclusive of interest and costs, is in excess of

\$15,000.00.

PLAINTIFF,

By:



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Exhibit A



